



GARY R. HERBERT
Governor

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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

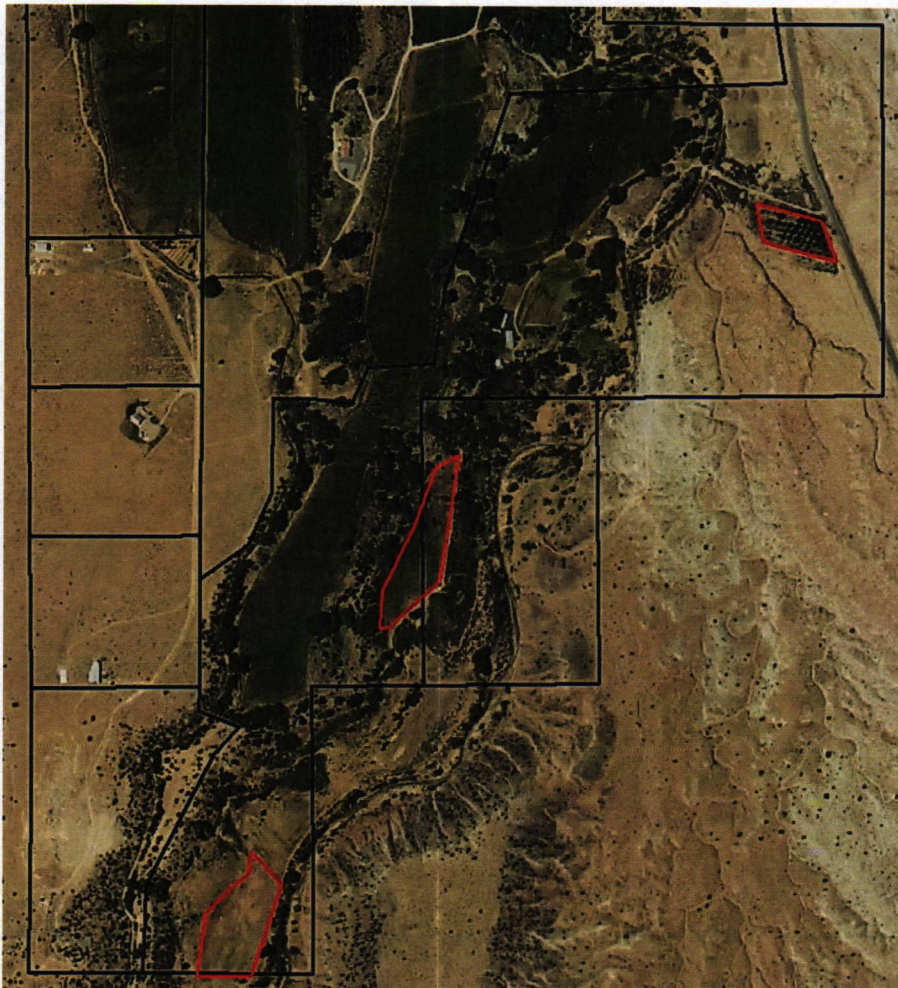
KENT L. JONES
State Engineer/Division Director

March 29, 2017

McLean Durfey
HC 70 Box 135
Torrey, UT 84775

Mr. Durfey:

As you know, the division of water from Pleasant Creek in the Notom area has been a controversial issue for several years now. Our office received an enforcement referral in 2016 alleging you are irrigating lands without a valid water right. The Division Enforcement Engineer, Kurt Vest, visited Notom on August 31, 2016 to investigate the allegations. He identified approximately 7.2 acres of irrigated land that was not identified as being irrigated in the general adjudication. This land is shown in red in the following figure. Land parcels are the black polygons.



March 29, 2017

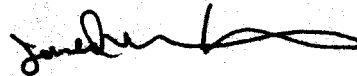
Page 2

Although you have apparently acquired title to water rights on your property, our office has not received a title update showing the extent of your ownership of water. It's my opinion that this lack of clarity regarding your water rights ownership has contributed to the contention over this issue.

It is possible that some or all of the 7.2 acres of land identified in the figure above could be covered with valid water rights by filing the necessary title updates and change applications. This includes change applications that may need to be filed by Robert Jensen since some of the land you are allegedly irrigating is property the recorder's office shows is owned by Robert Jensen Land Holdings LLC.

In order to help provide clarity and reduce the ongoing contention regarding water user in Notom I am requesting that you file the necessary ownership updates and any other necessary applications with our office. A title update with our office would require hiring a title professional to submit the necessary information. A change application, if necessary, could be filed by working with the regional office in Richfield. Since the title work in Notom has been complicated and somewhat unconventional compared to normal, I advise retaining a title professional with significant, recent experience in the area. I am optimistic that the recent enforcement referral against you can be hastened to a conclusion once the necessary paper work has been filed as I have described.

Sincerely,



Jared Manning, P.E.
Assistant State Engineer

cc:

Robert Jensen
1148 East Charlton Avenue
Salt Lake City, UT 84106

Kurt Vest, Enforcement Engineer
646 North Main Street
Cedar City, UT 84721

Kirk Forbush, Regional Engineer
130 North Main
Richfield, UT 84701